

“(ii) TIMING FOR RENEWAL.—The Secretary shall either approve or deny the request for renewal by not later than 90 days after completing the performance review of the State described in paragraph (6)(B).

“(iii) DETERMINATION.—In deciding whether to extend a request of a State educational agency for the authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if the State educational agency—

“(I) has made progress toward achieving the objectives described in the State application submitted pursuant to paragraph (3)(A)(iii); and

“(II) demonstrates in the request that local educational agencies, educational service agencies, or schools affected by the waiver authority or waivers have made progress toward achieving the desired results described in the local application submitted pursuant to paragraph (4)(A)(iii).

“(D) TERMINATION.—

“(i) IN GENERAL.—The Secretary shall terminate or temporarily suspend the authority of a State educational agency to grant waivers under this section if the Secretary determines that—

“(I) there is compelling evidence of systematic waste, fraud or abuse; or

“(II) after notice and an opportunity for a hearing, such agency's performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii)) has been inadequate to justify continuation of such authority.

“(ii) LIMITED COMPLIANCE PERIOD.—A State whose authority to grant such waivers has been terminated shall have not more than 1 additional fiscal year to come into compliance in order to seek renewal of the authority to grant waivers under this section.

“(7) PUBLIC NOTICE AND COMMENT.—Each State educational agency seeking waiver authority under this section and each local educational agency, educational service agency, or school seeking a waiver under this section—

“(A) shall provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver on each agency's website, including a description of any improved student performance that is expected to result from the waiver authority or waiver;

“(B) shall provide the opportunity for parents, educators, school administrators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

“(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and

“(D) shall submit the comments received with the application of the agency or school to the Secretary or the State educational agency, as appropriate.

“(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements for programs that are authorized under the following provisions and under which the Secretary provides funds to State educational agencies on the basis of a formula:

“(1) The following provisions of the Elementary and Secondary Education Act of 1965:

“(A) Part A of title I (other than sections 1111 and 1114).

“(B) Part C of title I.

“(C) Part D of title I.

“(D) Part A of title II.

“(E) Part G of title V.

“(2) Title VII of the McKinney-Vento Homeless Assistance Act. (42 U.S.C. 11301 et seq.).

“(3) The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

“(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive under subsection (a)(1)(A) any statutory or regulatory requirement—

“(1) relating to—

“(A) maintenance of effort;

“(B) comparability of services;

“(C) equitable participation of students and professional staff in private schools;

“(D) parental participation and involvement;

“(E) distribution of funds to States or to local educational agencies;

“(F) serving eligible school attendance areas in rank order under section 1113(a)(1)(C) of the Elementary and Secondary Education Act of 1965;

“(G) the selection of a school attendance area or school under paragraphs (1) and (2) of section 1113(a) of the Elementary and Secondary Education Act of 1965, except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I of such Act if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such paragraphs (1) and (2);

“(H) use of Federal funds to supplement, not supplant, non-Federal funds; and

“(I) applicable civil rights requirements; and

“(2) unless the State educational agency can demonstrate that the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.

“(d) TREATMENT OF EXISTING ED-FLEX PARTNERSHIP STATES.—

“(1) IN GENERAL.—Any designation of a State as an Ed-Flex Partnership State that was in effect on the date of enactment of this Act shall be immediately extended for a period of not more than 5 years, if the Secretary makes the determination described in paragraph (2).

“(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination that the performance of the State educational agency, in carrying out the programs for which the State has received a waiver under the educational flexibility program, justifies the extension of the designation.

“(e) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.”.

**SA 2228.** Mr. THUNE (for himself, Mr. BARRASSO, Ms. HEITKAMP, and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the

bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title VII of the amendment, add the following:

#### **SEC. 7. ACCESS TO FEDERAL INSURANCE.**

Section 409 of the Indian Health Care Improvement Act (25 U.S.C. 1647b) is amended by inserting “or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)” after “(25 U.S.C. 450 et seq.)”.

#### **PRIVILEGES OF THE FLOOR**

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Devon Brenner, an education fellow in Senator COCHRAN's office, be granted floor privileges through May 31, 2016.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Andrew Bronstein, an education fellow in my office, and Ethan Arenson, a Judiciary Committee detailee from the Department of Justice, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **ORDERS FOR TUESDAY, JULY 14, 2015**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, July 14; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate resume consideration of S. 1177; and finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings and that the filing deadline for first-degree amendments be at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **ORDER FOR ADJOURNMENT**

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator REID.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

#### **EVERY CHILD ACHIEVES ACT**

Mr. ALEXANDER. Mr. President, I see that the majority leader has filed cloture on the bill, which I understand. We have had a chance to have a good discussion and a good debate.

We are getting toward the end of the consideration of our bill to fix No Child

Left Behind. We have a couple of issues that we need to resolve, but there are only a couple, and for a bill this complicated, that is pretty good. So it would be my hope that we could continue on through the process, and the majority leader might even get to the point later in the week where he would be able to vitiate the cloture, and we could finish without a cloture vote.

So far, so good. We have considered 58 amendments in committee and adopted 29. We have considered 25 on the floor, adopted 8 by rollcall, 11 by voice, and we have dozens more that have been agreed to by Senator MURRAY and me and that we would recommend to the Senate that we complete.

So it is my hope that Senators will allow us to have a consensus about this bill. As was said by Newsweek magazine last week, this is the Education bill that everybody wants fixed, and we are the ones who are supposed to fix it. So while there are some issues toward the end that are a little more difficult to resolve than others, I hope Senators will agree that people have had a chance to have their say on education issues and that we can go on to the other important issues facing the country.

I thank the Republican leader for giving us an opportunity to put this on the floor. I thank the Democratic leader for allowing us to move to the floor without delay. I hope we can continue over the next couple of days and finish the bill this week and get on to other important issues.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FILING CLOTURE

Mr. REID. Mr. President, it is obvious that the Republican leader has cer-

tainly changed his view on filing cloture.

There was a time on several occasions when the Republican leader bemoaned what he called “a quick trigger on the cloture motion.” That is a quote. There was a time—that was in 2012, 2013—when the Republican leader called filing cloture “heavy-handed behavior.”

Now, keep in mind the backdrop of all of this. For 4 years, the Republicans simply wouldn’t let us move to anything. We couldn’t offer—they refused to allow bills to come up. We never even got on the bills. We would file a motion to get on a bill; they would object to that.

We have a different world now in the 7 months that we have been under the direction of the Republican leader, the senior Senator from Kentucky. We have been working in good faith to try to get things to move along—specifically this bill, the elementary and secondary education bill. There is no sign of a filibuster that I am aware of, at least on our side.

There are still a number of major amendments that need to be addressed. Senators MURPHY, BOOKER, WARNER, and others have an amendment on accountability for the lowest performing schools. They have worked hard on this. We have Senator FRANKEN, who is very passionate, on an amendment to protect LGBT students from discrimination. Senator MARKEY has an amendment that provides grants to allow schools to teach climate science. Senator CASEY has an amendment to expand and improve early education, particularly for 3- and 4-year-olds. These are important amendments dealing with education. There are others, but these are a few that I mentioned.

So to have the Republican leader come to the floor and file cloture when we have just had a few amendments—he can come out and talk about all the votes we have had, but they have been on nothing amendments. They could have been accepted really. We didn’t even need votes on them. We have had virtually no serious amendments, and now, all of a sudden, the Republican leader has changed totally, I guess, his

philosophy on how to legislate by filing cloture very early. I am very disappointed in this, but it speaks volumes about how this Senate is being run by this Republican majority.

It is appropriate to file cloture when the shoe is on the other foot, I guess, except the difference is that we never had a chance to get on the legislation. This is a perfect example of this. We didn’t need to have a vote on a motion to get on a bill. We just said: OK, go ahead and move to it.

So I am really surprised, quite frankly, but that is what has happened. But it is not the first time I have been surprised about how things have been going on around here the last 6 or 7 months.

I have nothing further.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:08 p.m., adjourned until Tuesday, July 14, 2015, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JOHN MAEDA, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016. (NEW POSITION)

##### DEPARTMENT OF THE TREASURY

MATTHEW RHETT JEPSON, OF FLORIDA, TO BE DIRECTOR OF THE MINT FOR A TERM OF FIVE YEARS, VICE EDMUND C. MOY, RESIGNED.

##### AMTRAK BOARD OF DIRECTORS

ANTHONY ROSARIO COSCIA, OF NEW JERSEY, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

DEREK TAI-CHING KAN, OF CALIFORNIA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS, VICE JEFFREY R. MORELAND, TERM EXPIRED.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

ANDREW MILLER SLAVITT, OF MINNESOTA, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, VICE MARILYN B. TAVENNER, RESIGNED.

MARY KATHERINE WAKEFIELD, OF NORTH DAKOTA, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, VICE WILLIAM V. CORR, RESIGNED.